

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**KONINKLIJKE PHILIPS ELECTRONICS
N.V. and U.S. PHILIPS CORPORATION,**

Plaintiffs,

v.

**THE ADS GROUP fka ADVANCED
DUPLICATION SERVICES LLC;
AMERICAN MEDIA INTERNATIONAL,
LTD.; CARBONITE INC.; THE
COMVEST GROUP; CONCORD
RECORDS, INC.; CONCORD MUSIC
GROUP, INC; EVA-TONE, INC.; HAL
LEONARD CORP.; HUDSON VALLEY
CAPITAL PARTNERS, INC.; INOVERIS
LLC; INTUIT INC.; METATEC
INTERNATIONAL, INC.; MTI
ACQUISITION LLC aka MTI
ACQUISITION CORP.; MUSIC CITY
OPTICAL MEDIA, INC.; ZOMAX
INCORPORATED; MICHAEL F.
HARDWICK, an individual; ARUN
KHURANA, an individual; JEAN A.
LAGOTTE JR., an individual; JOHN
EDGAR MOLL, and individual, JOHN
STEVEN MOLL, an individual; DAVID A.
SILVON, an individual; and John Does No.
1 through 100,**

Defendants.

Civil Action No. 08-CV-4068 (CLB)

**NOTICE OF PHILIPS' MOTION TO DISMISS PATENT MISUSE AND TORTIOUS
INTERFERENCE COUNTERCLAIMS ASSERTED BY ADVANCED DUPLICATION
SERVICES, LLC, AMERICAN MEDIA INTERNATIONAL, LTD., INOVERIS LLC,
METATEC INTERNATIONAL, INC., MTI ACQUISITION, LLC, AND ZOMAX
INCORPORATED**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiffs Koninklijke Philips Electronics N.V. and U.S. Philips Corporation (collectively "Philips") move to dismiss the counterclaim for patent misuse and the two counterclaims for tortious interference with a

business relationship filed by Advanced Duplication Services, LLC, American Media International, Ltd., Inoveris LLC, Metatec International, Inc., MTI Acquisition, LLC, and Zomax Incorporated. In support of this motion, Philips relies on the Declaration of Samuel Cummings Bass and the accompanying memorandum of law in support of Philips' Motion to Dismiss. Philips also requests a hearing on this motion.

WHEREFORE, Philips respectfully prays that the Court dismiss the counterclaim for patent misuse and the two counterclaims for tortious interference with a business relationship for failure to state a claim upon which relief can be granted, as set forth in the accompanying proposed Order, and that it grant such other relief as it deems just and proper.

Date: July 21, 2008

/s/ Christopher J. Houpt

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Christopher J. Houpt